

AN ORDINANCE BY

COUNCILMEMBER FELICIA A. MOORE

06-0-1367

AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

TO REPEAL CHAPTER 2, ARTICLE IX, DIVISION 3, SECTION 2-973 (ENTITLED, "BILLING AND COLLECTION BY PRIVATE CONTRACTOR RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF THE CITY'S WATER SYSTEM.") OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO REMOVE OBSOLETE TEXT RELATING TO THE OPERATION AND MAINTENANCE OF THE CITY'S WATER SYSTEM BY A PRIVATE CONTRACTOR; TO AMEND CONFLICTING ORDINANCES SO AS TO REMOVE OBSOLETE TEXT RELATING TO THE OPERATION AND MAINTENANCE OF THE CITY'S WATER SYSTEM BY A PRIVATE CONTRACTOR OR BY THE DEPARTMENT OF WATER OR COMMISSIONER OF WATER; AND TO AMEND OTHER PORTIONS OF CHAPTER 154 TO CORRECT MINOR ERRORS AND REMOVE OTHER OBSOLETE REFERENCES; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 2, Article IX, Division 3, Section 2-973 (hereinafter, "Section 2-973") of the Code of Ordinances, City of Atlanta, Georgia (hereinafter, "City Code") provides for the operation and maintenance of the City of Atlanta's (hereinafter, "City") water system by a private contractor; and

WHEREAS, the City entered into an agreement with United Water Services Unlimited (hereinafter, "United Water Services"), pursuant to Section 2-973, for the operation and maintenance of the City's water system; and

WHEREAS, the agreement between the City and United Water Services was dissolved in or around March 2003, which resulted in returning all functions of the operations and maintenance of the City's water system to the City, under the purview of the Department of Watershed Management; and

WHEREAS, the Department of Watershed Management is now responsible for and charged with the administration, operation, and maintenance of the City's water system; and

WHEREAS, the existence and functions of the Department of Watershed Management renders obsolete the use of private contractors for the operation and maintenance of the City's water system, as well as, all references providing for the use thereof in the City Code; and

WHEREAS, on September 16, 2002, the City of Atlanta reorganized its Executive Branch to create the Department of Watershed Management headed by the Commissioner of the Department of Watershed Management; 02-O-1450; and 03-O-1115; and 05-O-2444; and

Section 6: Chapter 154, Article II, Section 154-28, of the City Code is hereby amended to strike the language “or the company” from said ordinance such that amended phrase in ordinance shall read “The Commissioner of the Department of Watershed Management shall have the duty and responsibility to provide notice and an opportunity to be heard to users of water and sewer services”.

Section 7: Chapter 154, Article II, Section 154-28, subsection (1), of the City Code is hereby amended to strike all references to “the company” that appear in said ordinance and replace removed language with phrase “Commissioner of the Department of Watershed Management ” as required, such that amended ordinance shall read “ Written notice to consumers that they have the right to dispute such bill amounts by providing to the Commissioner of the Department of Watershed Management on or before the due date of the bill to be disputed written notice setting forth the dispute in accordance with the instructions contained on the disputed bill, provided, however, that failure to either pay the bill or provide written notice of the dispute of the bill will be grounds for the Commissioner of the Department of Watershed Management to provide notice that the water service may be immediately terminated without additional notice.”

Section 8: Chapter 154, Article II, Section 154-28, subsection (2), of the City Code is hereby amended to strike any reference to “the company” that appears in said ordinance and replace removed language with phrase “Commissioner of Department of the Watershed Management”, such that amended ordinance shall read “The designation of employees empowered to correct mistakes in the determination of the amounts billed to customers that have properly submitted written notice of the dispute of a bill to the Commissioner of the Department of Watershed Management”.

Section 9: Chapter 154, Article II, Section 154-29, of the City Code is hereby amended to replace references to “commissioner of water” and “department of water” with “Commissioner of the Department of Watershed Management” and “Department of Watershed Management”.

Section 10: Chapter 154, Article II, Section 154-30, of the City Code is hereby amended to replace the reference to “commissioner of water” with “Commissioner of the Department of Watershed Management”.

Section 11: Chapter 154, Article II, Section 154-49, (Entitled, “Duties of the Company”) of the City Code is hereby repealed and deleted in its entirety.

Section 12: Chapter 154, Article II, Section 154-50, (Entitled, “Operations and maintenance agreement”) of the City Code is hereby repealed and deleted in its entirety.

Section 22: Chapter 154, Article III, Division 1, Section 154-65, of the City Code is hereby amended to replace reference to “commissioner of water” with “Commissioner of the Department of Watershed Management”.

Section 23: Chapter 154, Article III, Division 1, Section 154-66, of the City Code hereby amended to replace any and all references to “department of Water” or “commissioner of water” with “Department of Watershed Management” or “Commissioner of the Department of Watershed Management”.

Section 24: Chapter 154, Article III, Division 1, Section 154-67, of the City Code, is hereby amended to strike any and all references to “the company” that appear in said ordinance and to replace any and all references to “department of water” or “commissioner of water” with “Department of Watershed Management” or “Commissioner of the Department of Watershed Management”.

Section 25: Chapter 154, Article III, Division 1, Section 154-67.1, of the City Code, is hereby amended to replace reference to “department of water” with “Department of Watershed Management”.

Section 26: Chapter 154, Article III, Division 1, Section 154-68, of the City Code, is hereby amended to strike the language “or the company” from said ordinance and to replace any and all references to “commissioner of water” with “Commissioner of the Department of Watershed Management”.

Section 27: Chapter 154, Article III, Division 1, Section 154-70, of the City Code, is hereby amended to strike any and all references to “the company” that appear in said ordinance and to replace any and all references to “department of water” or “commissioner of water” with “Department of Watershed Management” or “Commissioner of the Department of Watershed Management”.

Section 28: Chapter 154, Article III, Division 1, Section 154-72, of the City Code , is hereby amended to strike reference to “the company” and replace reference to “department of water” with “Department of Watershed Management”.

Section 29: Chapter 154, Article III, Division 1, Section 154-79, of the City Code is hereby repealed and deleted in its entirety.

Section 30: Chapter 154, Article III, Division 2, Section 154-91, of the City Code is hereby amended to strike all references to “the company” and to replace any and all references to “commissioner of watershed” with “Commissioner of the Department of Watershed Management”.

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WHEREAS, the agreement between the City and United Water Services was dissolved in or around March 2003, which resulted in returning all functions of the operations and maintenance of the City's water system to the City, under the purview of the Department of Watershed Management; and

WHEREAS, the Department of Watershed Management is now responsible for and charged with the administration, operation, and maintenance of the City's water system; and

WHEREAS, the existence and functions of the Department of Watershed Management renders obsolete the use of private contractors for the operation and maintenance of the City's water system, as well as, all references providing for the use thereof in the City Code.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: Chapter 2, Article IX, Division 3, Section 2-973 of the Code of Ordinances, City of Atlanta, Georgia, is hereby repealed and deleted in its entirety.

Section 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.